

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS,)
PCS, LLC FOR ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO) CASE NO.
CONSTRUCT A WIRELESS COMMUNICATIONS) 2011-00281
FACILITY AT 1236 LAWSON ROAD, MURRAY,)
CALLOWAY COUNTY, KENTUCKY 42071)

O R D E R

On August 16, 2011, New Cingular Wireless PCS, LLC ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 165 feet in height, with attached antenna, to be located at 1236 Lawson Road, Murray, Calloway County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 38' 3.19" by West Longitude 88° 23' 33.41".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the information contained in the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. The Applicant has filed evidence of the

appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. The Commission received comments from one property owner concerning the proposed construction. By letter dated September 9, 2011, the Applicant was directed to respond in writing to the property owner's concerns, and the property owner was advised of the right to request intervention within 30 days of the date of the letter if not satisfied with the Applicant's response. The Applicant filed a response to the property owner's concerns on September 19, 2011. To date, no further comments or requests for intervention have been received by the Commission.

The Applicant has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such

notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

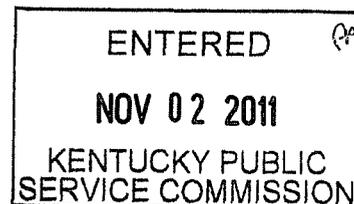
IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 165 feet in height, with attached antenna, and is to be located at 1236 Lawson Road, Murray, Calloway County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 38' 3.19" by West Longitude 88° 23' 33.41".

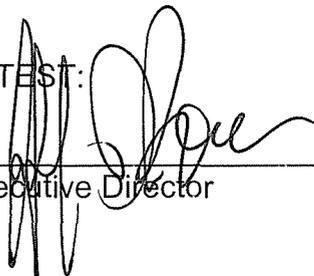
2. The Applicant shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

3. Any documents filed in the future pursuant to ordering paragraph two herein shall reference this case number and shall be retained in the utility's general correspondence files.

By the Commission



ATTEST:



Executive Director

Case No. 2011-00281

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